

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of DALIA GENTER, trustee of the OLRY
GENTER 1993 TRUST,

Petitioner,

-against-

File No. 2008-0017E

OLRY GENTER, ARIE GENTER, GLENCOVA INVESTMENT
COMPANY, TR INVESTORS, LLC, NEW TR EQUITY I, LLC,
NEW TR EQUITY II, LLC, TRANS-RESOURCES, INC, ARNOLD
BROSER, DAVID BROSER, JOHN DOES 1-20 AND JANE
DOES 1-20,

Hon. Nora S. Anderson

Respondents.

Affirmation of
Judith Bachman in
Opposition

Judith Bachman, an attorney duly admitted to practice before the Court of the State of New York, affirms under penalties of perjury:

1. I am the attorney for Petitioner, Dalia Genger, and I make this affirmation in opposition to the motion to dismiss the Turnover Proceeding of Petitioner and in support of the Petitioner's cross-motion.
2. In June of 2016, I prepared a petition on behalf of Dalia Genger to obtain the turnover of proceeds of a settlement from various parties to the trust (Orly Genter 1993 Trust) of which Dalia Genger is the trustee.
3. On June 14, 2016 I visited both the clerk's office and the Miscellaneous Department of Surrogate's Court to file that petition.
4. The Miscellaneous Department advised that it would take some time for them to review the filing and that when complete they would issue the citation and email it to me so that I could arrange service of it.

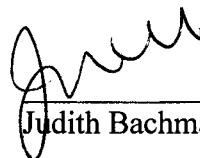
5. On June 17, 2016, I sent a courtesy copy of the petition to the attorneys for all of the parties named and inquired if they would accept service.
6. They refused to accept service.
7. Thereafter, my office diligently worked with the Surrogate's Court to have the citation issued.
8. Such efforts included repeated and numerous calls, visits, written correspondence, and emails to the Surrogate's Court starting on July 7, 2016 and finally ending in December 2017.
9. In my early communications with the Surrogate's Court, I was told that the Petition had not yet been reviewed because of a backlog in the office and that I should keep checking back.
10. Eventually, I was advised that the petition had been placed in the "hold" drawer because the caption on the Petition needed to be amended.
11. Because the clerk that I spoke with could not give me specific direction as to how the caption needed to be changed, I was directed to call back at another time.
12. When I finally reached a person with knowledge at the Surrogate's Court as to how to change the caption, I drafted and submitted an attorney affirmation amending the caption as directed.
13. The clerk advised that, again, it would take some time for them to review the affirmation and issue the citation.
14. When they did finally review that initial affirmation, I was advised by a different clerk of the Surrogate's Court that a second affirmation needed to be submitted making a further change to the caption.

15. I submitted that second affirmation with the further change, as required by the Clerk.
16. Upon receipt and approval of the second affirmation with the further change to the caption, in December of 2017, the Surrogate's Court issued the citation for this proceeding.
17. Immediately thereafter, I arranged to serve the respondents in this proceeding. I note that the address at which the "Trump Group" (as denoted in their own brief in this action) were served is the one identified by Mark Hirsch, their general counsel, as shown in the attached email.
18. I did so, inter alia, by delivery of the citation to Orly's counsel (who had appeared in the Removal Action under the same file number) and by delivery to some of the respondents at their business address.
19. When Orly's counsel objected to the service upon them, in an abundance of caution, I had the process server mail the citation to Orly at her address in Texas. Upon information and belief, that address was one in which Orly had claimed a homestead exemption, owns a home, has a driver's license and votes (in an action in Federal Court, Orly has attempted to evade service claiming that she lives in Israel notwithstanding her definitive contacts in Texas). Copies of documentary information confirming that Texas address is attached hereto.
20. Such service was made at a time immediately before the return date of the citation so that affidavit has not been filed with the Court.
21. On February 5, 2018, respondents Orly and TR, respectively, moved to dismiss the Turnover Proceeding on the grounds, inter alia, of delay and deficiencies in service, and other relief.

22. Dalia therefore opposes these motions and, as necessary, cross-moves for (i) an extension of time to serve process and permission to serve substituted service (or nunc pro tunc) and file the affidavit of service, (ii) the appointment of a Guardian ad Litem for Orly's infant daughter and the issuance of a supplemental citation for that Guardian ad litem, and (iii) to consolidate this turnover proceeding with the Removal Proceeding with this Turnover Proceeding.

WHEREFORE, I respectfully request that the respondent's motions to dismiss be denied and the cross-motion be granted and that the Petitioner have such other and further relief as is just and warranted.

Dated: February 20, 2018
New City, New York



Judith Bachman

Dellaportas, John

From: Mark Hirsch <mhirsch@trumpgroup.com>
Sent: Friday, November 18, 2016 10:53 AM
To: Dellaportas, John
Subject: RE: My apologies running late

11 will work. See you soon.

Mark S. Hirsch
Partner and General Counsel
The Trump Group
400 Park Ave. I 19th Floor I New York, NY 10022
(o) 212-838-1000 or 212-340-6767 | (c) 917-821-3000
mhirsch@trumpgroup.com

Travis CAD

Property Search > 798599 HERSCHEMANN ERIC & ORLY GENTER for Year 2018

Tax Year: 2018 - Values not available

Property

Account

Property ID: 798599 Legal Description: UNIT 1903 BLOCK 21 CONDOMINIUMS AMENDED PLUS .3294 % INT IN COM AREA
 Geographic ID: 0205011425 Zoning:
 Type: Real Agent Code: ID:2490
 Property Use Code:
 Property Use Description:

Location

Address: 210 LAVACA ST 1903 Mapsco:
 TX 78701
 Neighborhood: BLOCK 21(THE W) DOWNTOWN HIGHRISE CONDOS Map ID: 020201
 Neighborhood CD: Z1W99C

Owner

Name: HERSCHEMANN ERIC & ORLY GENTER Owner ID: 1703720
 Mailing Address: 210 LAVACA ST #1903 % Ownership: 100.0000000000%
 AUSTIN , TX 78701-4582
 Exemptions: HS

Values

| | | |
|---------------------------------------|---|---------------------------|
| (+) Improvement Homesite Value: | + | N/A |
| (+) Improvement Non-Homesite Value: | + | N/A |
| (+) Land Homesite Value: | + | N/A |
| (+) Land Non-Homesite Value: | + | N/A Ag / Timber Use Value |
| (+) Agricultural Market Valuation: | + | N/A N/A |
| (+) Timber Market Valuation: | + | N/A N/A |
| <hr/> | | |
| (=) Market Value: | = | N/A |
| (-) Ag or Timber Use Value Reduction: | - | N/A |
| <hr/> | | |
| (=) Appraised Value: | = | N/A |
| (-) HS Cap: | - | N/A |
| <hr/> | | |
| (=) Assessed Value: | = | N/A |

Taxing Jurisdiction

Owner: HERSCHEMANN ERIC & ORLY GENTER
 % Ownership: 100.0000000000%
 Total Value: N/A

| Entity | Description | Tax Rate | Appraised Value | Taxable Value | Estimated Tax |
|--------|----------------|----------|-----------------|---------------|---------------|
| 01 | AUSTIN ISD | N/A | N/A | N/A | N/A |
| 02 | CITY OF AUSTIN | N/A | N/A | N/A | N/A |
| 03 | TRAVIS COUNTY | N/A | N/A | N/A | N/A |

| | | | | | | |
|------------------------|-----------------------------------|-----|-----|-----|-----|-----------------------------|
| 0A | TRAVIS CENTRAL APP DIST | N/A | N/A | N/A | N/A | N/A |
| 2C | DOWNTOWN PUB IMP DIST | N/A | N/A | N/A | N/A | N/A |
| 2J | TRAVIS COUNTY HEALTHCARE DISTRICT | N/A | N/A | N/A | N/A | N/A |
| 68 | AUSTIN COMM COLL DIST | N/A | N/A | N/A | N/A | N/A |
| Total Tax Rate: | | N/A | | | | |
| | | | | | | Taxes w/Current Exemptions: |
| | | | | | | Taxes w/o Exemptions: |

Improvement / Building

Improvement #1: HIRISE CONDO/APT State Code: A4 Living Area: 3180.0 sqft Value: N/A

| Type | Description | Class CD | Exterior Wall | Year Built | SQFT |
|------|-----------------|----------|---------------|------------|--------|
| 1ST | 1st Floor | A - 6 | | 2011 | 3180.0 |
| 399 | DETAIL CONDO FV | * - 6 | | 2011 | 0.0 |

Land

| # | Type | Description | Acres | Sqft | Eff Front | Eff Depth | Market Value | Prod. Value |
|---|------|-------------|--------|--------|-----------|-----------|--------------|-------------|
| 1 | LAND | Land | 0.0058 | 252.11 | 0.00 | 0.00 | N/A | N/A |

Roll Value History

| Year | Improvements | Land Market | Ag Valuation | Appraised | HS Cap | Assessed |
|------|--------------|-------------|--------------|-----------|-----------|-------------|
| 2018 | N/A | N/A | N/A | N/A | N/A | N/A |
| 2017 | \$2,122,166 | \$66,973 | 0 | 2,189,139 | \$34,238 | \$2,154,901 |
| 2016 | \$2,091,763 | \$58,237 | 0 | 2,150,000 | \$190,999 | \$1,959,001 |
| 2015 | \$1,895,177 | \$56,725 | 0 | 1,951,902 | \$170,992 | \$1,780,910 |
| 2014 | \$1,639,479 | \$56,725 | 0 | 1,696,204 | \$77,195 | \$1,619,009 |
| 2013 | \$1,415,101 | \$56,725 | 0 | 1,471,826 | \$0 | \$1,471,826 |

Deed History - (Last 3 Deed Transactions)

| # | Deed Date | Type | Description | Grantor | Grantee | Volume | Page | Deed Number |
|---|------------|------|---------------|------------------------------|-------------------------------|--------|------|--------------|
| 1 | 10/27/2016 | WD | WARRANTY DEED | HERSCHMANN ERIC | HERSCHMANN ERIC & ORLY GENTER | | | 2016187344 |
| 2 | 3/15/2012 | WD | WARRANTY DEED | RUCKS SHAWN D & ANGELA C | HERSCHMANN ERIC | | | 2012042123TR |
| 3 | 2/11/2011 | WD | WARRANTY DEED | CJUF II STRATUS BLOCK 21 LLC | RUCKS SHAWN D & ANGELA C | | | 2011022350TR |

Questions Please Call (512) 834-9317

This site requires cookies to be enabled in your browser settings.

This year is not certified and ALL values will be represented with "N/A".

1: Texas Voter Registration

Registrant Information

Name: Genger, Orly

Residential Address: 210 LAVACA ST APT 1903
AUSTIN, TX 78701-4582
TRAVIS COUNTY

SSN: 130-74-XXXX

Date of Birth: 1/1979

Gender: Female

Voter Information

Registration Date: 11/24/2016
Active Status: ACTIVE

1: Texas Driver License

Driver Information

Name: GENTER, ORLY

Address: 210 LAVACA ST #1903
AUSTIN, TX 78701-4582
TRAVIS COUNTY

Data source: Governmental: TX

Personal Information

SSN: 130-74-XXXX
DOB: 01/1979

License Information

Issue Date: 11/03/2016

Additional Driver Information

DOB: 01/1979
History: Current

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TRANS-RESOURCES, INC., ARNOLD BROSER,
DAVID BROSER, JOHN DOES 1-20 AND JANE
DOES 1-20,

Respondents.

**AFFIRMATION OF JUDITH BACHMAN
IN OPPOSITION**

KELLEY DRYE & WARREN LLP
101 PARK AVENUE
NEW YORK, NEW YORK 10178
(212) 808-7800